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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**OBJECTION OF USACM TRUST TO  
AUGUSTINE TUFFANELLI FAMILY  
TRUST'S CLAIM; AND CERTIFICATE  
OF SERVICE**

Hearing Date: January 22, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Augustine Tuffanelli Family Trust ("ATFT") filed Proof of Claim No. 10725-02575 against USA Commercial Mortgage Company ("USACM") in the amount of \$100,000.00 on September 24, 2007. The USACM Liquidating Trust (the "USACM

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.

Trust”) objects to ATFT’s claim because it is untimely and duplicative of a claim that has already been disallowed by the Court because it is based upon an investment in USA Capital Diversified Trust Deed Fund, LLC (“DTDF”).

On August 6, 2006, ATFT filed proof of claim 10725-00090. The USACM Trust objected to Claim No. 10725-00090 [DE 4799]. The contents of that objection are incorporated here. The Court granted the objection and disallowed Claim No. 10725-00090 [DE 5232] on the ground that it was not a claim against USACM. Within ten days after USACM Trust filed the objection, AFTF filed proof of claim 10725-2575, a duplicate of its previous claim.

USACM Trust objects to proof of claim 10725-2575 on the following grounds: (1) it is untimely filed; it is duplicative of Claim No. 10725-00090, which the Court has already disallowed; for the reasons stated in the USACM Trust’s objection to Claim No. 10725-00090 [DE 4799]. The USACM Trust respectfully requests that this claim be disallowed in its entirety.. This objection is made pursuant to Bankruptcy Code section 502, Federal Rule of Bankruptcy Procedure 3007, and Local Rule of Bankruptcy Practice 3007.

Dated: December 4, 2008.

**LEWIS AND ROCA LLP**

By /s/ Rob Charles (006593)

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served via first class mail, postage prepaid, addressed as set forth below, on this 4th day of December, 2008 to:

Augustine Tuffanelli Family Trust  
Augustine Tuffanelli Trustee  
c/o Thomas R Brooksbank  
689 Sierra Rose Drive, Suite A2  
Reno, NV 89511

Augustine Tuffanelli Family Trust  
c/o Augustine Tuffanelli Trustee  
2260 Mohigan Way  
Las Vegas, NV 89109-3374

By /s/ Carrie Lawrence  
Carrie Lawrence, Lewis and Roca LLP